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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,587	02/15/2005	Pedro Serna	088245-0191	6554
23524 7590 08/20/2008 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497				
EXAMINER				
TRAN, PABLO N				
ART UNIT		PAPER NUMBER		
2618				
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08/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,587

Applicant(s)

SERNA ET AL.

Examiner

Pablo N. Tran

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-10 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Leroy et al. (EP1071296A1).

As per claims 1 and 15, Leroy et al. disclosed a method of forwarding a data packet wherein receiving the data packet wherein the data packet includes a unicast destination address (private multi-cast address PR-MCA. This is a destination address of a mobile device) corresponding to a mobile node, generating a link-layer frame wherein the link-layer frame includes a broadcast address (public multi-cast address PU-MCA) and the unicast destination address, and sending via the broadcast address the link-layer frame to a plurality of access devices (Fig. 1/item SGSN1-SGSN5) wherein at least one access device supports the mobile node [0004-0006, 0012-0015, 0021-0024, 0031-0034].

As per claim 2, Leroy et al. disclosed wherein said broadcast address is predefined [0022].

As per claim 3, Leroy et al. disclosed determining that the at least one access device (Fig. 1/item SGSN1-SGSN5) supports the mobile node and forwarding the link-layer frame to the mobile node [0002, 0024, 0030, where it is clear that MS register with SGSN].

As per claim 4, Leroy et al. disclosed wherein said data packet is an IP data Packet (abstract, fig. 1).

As per claims 5 and 7, Leroy et al. disclosed wherein said broadcast address is a link-layer address and said unicast address is a network-layer address [0002, 0031-0034].

As per claim 6, Leroy et al. disclosed wherein said plurality of access devices store mappings between supported destination addresses and link-layer addresses corresponding to the supported destination address [0002, 0017, where it is clear that the SGSN updated the addresses].

As per claim 8, Leroy et al. disclosed wherein the data packet further comprises a payload and the payload is included in the link-layer frame [0002, 0021-0024].

As per claim 9, Leroy et al. disclosed of encapsulating said data packet into a link-layer frame [0002, 0031-0034].

As per claim 10, Leroy et al. disclosed wherein said link-layer frame is discard by access devices if they don't support the mobile node [0002, 0031-0034, where it is clear the MS de-register with the SGSN and the SGSN will updated the list of registered MS].

Response to Arguments

3. Applicant's arguments filed 05/21/08 have been fully considered but they are not persuasive.

Regarding claims 1 and 15, the Applicant's stated that Leroy does not teaches receiving the data packet wherein the data packet includes a unicast destination address corresponding to a mobile device. In response to the Applicant, Leroy disclosed a private multi-cast address (PR-MCA) wherein this is a destination address of a mobile device.

Regarding claim 2, the Applicant's stated that Leroy does not teach said broadcast address is predefined. In response to the Applicant, Leroy disclosed public multi-cast address PU-MCA is predefined within the data packet.

Regarding claims 3 and 5-10, the Applicant's stated that Leroy does not teach link-layer address or link-layer frame. In response to the Applicant, Leroy disclosed such well known method of transferring data packets [0002]. One ordinary skill in the art knows that the well known radio access network is of an open system interconnection (OSI) model, wherein such model describing a physical layer, data link layer, network layer. Also, the specification [0002-0009] stated such well known radio access network specifications. Wherein, it is clear the that the method of transferring data packets is an OSI model and such mapping of channels between layers is understood.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directauspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 16, 2008

/Pablo N Tran/

Primary Examiner, Art Unit 2618